FOR MYSORE STATE

Home (195 3) Department.

Ms SERIES.

G.O. NO. 2700

Dated 25th August 1953.

[Despatch Abstract.]

PUBLIC SERVICES - Prosecuting staff - South Kanara District - Temporary post of Assistant Public Prosecutor Grade II - Filling up.

From
Sri J.Devasahayam,B.A.,I.P.,
Inspector-General of Police,
Madras.4.

To
The Secretary to the
Government of Madras,
Home Department.

R.C. No. 934/W/53, dated 7th July 1953.

Sir,

Sub: Police-South Kanara district-Achutayya, Sri K.P.-Sub-Inspector of Police-Appointment as Assistant Public Prosecutor Grade II temporarily-sanction requested.

Ref: G.O.Ms.No.1326, Home, dated 22.4.53.

...

I request the Government to approve the appointment for a period of three months from 11.6.53, or until the need ceases, whichever is earlier, of Sri K-P.Achutayya, Sub-Inspector of Police of the South Kanara District, as temporary additional Public Prosecutor Grade II, in the post sanctioned in the Government Order cited.

2. The circumstances under which, the Sub-Inspector of Police has been appointed as Assistant Public Prosecutor Grade II by the District Magistrate of South Kanara, are fully explained by the District Superintendent of Police, South Kanara in his memorandum No.C1/9202/53, dated 18.6.53, copy enclosed, for the information of the Government.

3. The employment of a Sub-Inspector of Police in the South Kanara District for a period of three months from the date of taking over charge by Sub-Inspector Achutayya as Assistant Public Prosecutor, Grade II, is I consider, essential. The financial effect of the proposal will be as follows:-

Average pay of a Sub-Inspector	-	Rs. 111. 2. 0
Dearness Allowance	-	27. 0. 0
House Rent	-	20. 0. 0
Cost per mensem.		Rs. 158. 2. 0
Cost for 3 months	-	Rs. 474. 6. 0

Similar sanction has been accorded in G.O.No.4942, Home, dated 20.11.1950.

4. The expenditure will be met from the appropriation under the relevant sub-heads under "29.c.Police-District Executive Force-A.District Police-I.Ordinary Areas ".

cdsm 6.7.53

for Inspr.-Genl.of Police.

I

Copy of memorandum No.C1/9202/53, dated 18.6.53 from the District Superintendent of Police, Mangalore, South Kanara, to the Inspector-General of Police, Madras.4.

...

Sub: Police-South Kanara District-temporary post of additional Sub-Inspector to fill up vacancy caused by deputation of Sri K.P. Achutayya as A.P.P.Grade II-Government sanction-requested.

...

(A) In G.O.Ms.No. 1116 Home department dated 5.4.53, the Government have sanctioned the appointment as a special I Class Magistrate, for the trial of Chit fund cases of South Kanara District. Government have also sanctioned in G.O.Ms.No.1326, Home department, dated 22.4.53, the employment in this district for a period of three months from the date of appointment or till the need ceases, whichever is earlier, of a temporary additional Assistant Public Prosecutor, Grade II in connection with the conduct of prosecution before the Special I Class Magistrate for the trial of cases against certain chit funds. (Please vide C.O.endt.Foc. No.623/W/53, dated 6.5.53)

X 2. As the employment of suitable and qualified lawyers from the local bar could not be secured, the Dt.Magistrate, South Kanara, wanted me to nominate a suitable Sub-Inspector with previous experience in prosecution work for appointment as A.P.P.temporarily. Accordingly, I nominated Sri K.P.Achuthayya, S.I.Udipi Police Station who has got experience in prosecution work and who had also acted as temporary A.P.P. Grade II on previous two occasions. He has since been appointed as temporary A.P.P.Grade II by the Dt.Magistrate, South Kanara, in his proceedings L.Dis. 12635/53, dated 2.6.53, a copy of which is enclosed herewith. Sri K.P. Achuthayya has joined his new post on10.6.53 afternoon. I therefore request that sanction may kindly be accorded for the temporary deputation of this Sub-Inspector as A.P.P.II.

...

Copy of proceedings L.Dis.12635/53, dated 2.6.53 of the Dt.Magistrate, South Kanara.

...

Public Services-Prosecuting Staff-A.P.P.II-Postings-orders passed.
Read:- Dt.Magistrate's proceedings Ref-12635/53-A2.dated 29.5.53.
2. From the Dt.Supdt.of Police, S.K.No.C1.8399/53 dated 30.5.53.

...

In partial modification of the Dt.Magistrate's proceedings cited, 1st above the following postings are ordered.

1. Sri K.P. Achuthayya, S.I. ofPolice, Udipi is temporarily posted to act as A.P.P. II for the prosecution of Chit Fund cases in theSpecial I class Magistrate's court for the trial of Chit fund cases.

2. Sri N.S. Sowkur will continue to act as A.P.P.II(Prohibition), Mangalore.

3. Sri V. Krishnappa Shetty, A.P.P.II Udipi on leave, is on the expiry of his leave posted to act as A.P.P.II Mangalore vice Sri P.Chandrashekar Hegde granted leave.

4. The Dt.Supdt.of Police, South Kanra is requested to relieve No.1 immediately and direct him to join the new post expeditiously.

...

/ true copies/

for Inspr.-Genl.of Police

Home Department

G.O. Ms. No. 2700 dated 25/8/53

Public Services - Prosecuting staff - South Kanara Dt. - Temporary post of A.P.P. Gr.II - Filling up.

Ref: From the I.G. of Police, Rc. No. 934/M/53, d. 7-7-53

Order

The action of the Dt. Magistrate, South Kanara in appointing for a perio of 3 months from 11-6-53 or until the need ceases whichever is earlier Sri K.P. Achutayya, S.I. of Police, South Kanara as temporary Addl. A.P.P. Gr.II in the post sanctioned in G.O. #326, Home, dated 22-4-53 is approved.

2. Under sec. 492 of the Code of Criminal Procedure, 1898, the Governor of Madras hereby appoints

6

Sri K.P. Achutayya to be a Public Prosecutor in the South Kanara Dt. with effect from the date of his taking charge.

3. The expenditure should be debited to ~~met from~~ the appropriation under "29. C. Police - District Executive Force - A. Dt. Police - I. Ordinary Areas." Here enter para 3 below

To the I.G. of Police, Madras
" D.M., South Kanara
" A.G. thro. the Fin. Dept.
" Regr., High Court, Madras.

3 The expenditure should be debited to the relevant sub heads under "27 - Administration of Justice - h criminal Courts —

Home Deptt 7

18/39

Memo No. 140088 Ets II/53-2 Dt. 2.9.53

Public Services - Prosecuting Staff - South Kanara Dt - Appointment of Sri. K.P. Achutayya, S.I of Police, as temporary A.P.P. Grade II

x

Ref- Govt Ms No. 2700, Home, dated -25.8.1953

x

It is ~~reported by the~~ D.S.P. South Kanara that D.M. South Kanara requested ~~him~~ the D.S.P. South Kanara to nominate a suitable Sub Inspector of Police with previous experience in prosecution work for appointment as A.P.P. temporarily, as no suitable and

p 5 of

x at p 3 of

qualified lawyers from the local bar could ~~not~~ be secured for the employment as A.P.P. made in the post sanctioned in his Ms No 1326, Home, dated 22-6-1953 The D.M. South Kanara is requested to report whether he advertised the post calling for applications, ~~before coming to the conclusion that no suitable advocate could be secured~~ and if not the basis on which he came to ~~the~~ such conclusion that no suitable advocate could be secured

(F)

Cp x at p2 n.f.

bpd
9.9.53

To the Collector of South Kanara.
(RO. 20.9.53.)

PP.
28/9/53

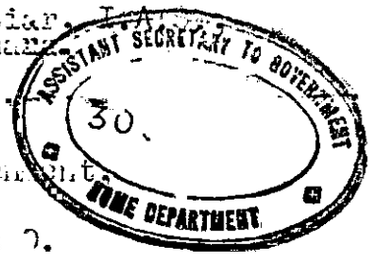
28/9/53

1.9.53

L.Dis. 2156?/53 S.D.Magistrate's Office,
Mangalore dated 27...5..

From

Sri A.Mahalingam Chettiar, I.A.S.,
Collector of South Kanara.



To

The Secretary to Government,
Home Department,
Fort St.George, Madras 9.

Sir,

Subject: Services: Prosecuting staff -South Kanara - District - appointment of Sri P.T.Achuthayya S.I. of Police- as Temporary A.P.Grade II- Report submitted.

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Ref: 1. G.O.Ms.No.37 Home dated 25.2.53
2. Government Memorandum No.1[illegible]/Court.- III/53-1 Home Department dated 7.5.53.

****

187912

The Special I Class Magistrate for the trial of chit fund cases joined duty on 2.3.53. Sri V. Krishnamma Chetty, the Asst.P.P. was posted as A.P.P.II for the prosecution of Chit Fund cases as one A.P.P.II. was due from leave on 11.5.1953. But Sri V. Krishnamma Chetty applied for 30 days earned leave with effect from 1.5.53 the date of his relief producing a medical certificate.

2. As the Special Magistrate had already joined duty and as an A.P.P. had to be appointed immediately the S.D.M. Mangalore was asked to propose the name of a suitable advocate for the post of the temporary A...P.Grade II. Two names were proposed by the S.D.M. of whom one did not put in the required practice of three years in Criminal courts and the other wanted permission to continue his private practice in addition to discharging the duty of A...P. There was also a third application from an advocate with only two years of service at the bar, and he was considered to be unsuitable. As the vacancy was a short one and as the A..... was due back from leave within a month no advertisement calling for applications for the post of A.P.

A.P.P.II was not considered necessary. Sri V.P.Achuthayy S.I. of Police, with experience in prosecuting work, was therefore, temporarily appointed as A.P.P.II for the ~~prosecution of Writ Fund Cases~~ in consultation with the Dt.Superintendent of Police South Kanara and he was relieved on 7.8.53 A.N. when a regular A.P.P.II was available.

Yours faithfully,

M. Sankaranarayan

Collector.

Cn 01400887/53

Home (Cts.III) Dept.

Public Services - Prosecuting staff - South Kanara district - Achutayya Sri K.P., Sub Inspector of Police - Appointed as A.P.P Gr.II.

From the I.G. of Police, Madras Rc.No. 934/W/53, d. 7-7-53.

In G.O. Ms. No. 1326, Home, dated 22-4-53 the Govt. sanctioned the employment in South Kanara Dt. for a period of three months from the date of appointment or till the need ceases, whichever is earlier of a temporary Addl. Asst. Public Prosecutor Grade II and a peon in connection with the conduct of prosecution before the Spl. First Class Magistrate sanctioned for the trial of Chit Fund Cases.

2. As suitable and qualified lawyers from the local bar could not be secured for employment as A.P.P. Gr.II, the Dt. Magistrate, South Kanara in consultation with the D.S.P. has appointed Sri K.P. Achutayya, S. I. of Police, who has got experience in prosecution work and who had also acted as temporary A.P.P. Gr.II on previous two occasions. Sri K.P. Achutayya joined the new post on 10-6-53 A.N. The D.S.P. South Kanara has requested the I.G. of Police Madras that sanction may be accorded for the temporary deputation of this S.I. of Police as A.P.P. Gr.II. The I.G. of Police, Madras requests the Govt. to approve the appointment for a period of three months from 11-6-53 or till the need ceases whichever is earlier of Sri K.P. Achutayya, S.I. of Police as temporary A.P.P. Gr.II in the post referred to in para 1 above.

3. In the circumstances mentioned in para 2 above the action of the D.M., South Kanara in appointing Sri K. P Achutayya, S.I. of Police as temporary A.P.P. Gr.II in the post sanctioned in the G.O. ~~3336~~ 1326 Home, dated 22.4-53 may be approved.

4. A draft order is submitted for approval.

Finance may see before issue.

Spl. 22.7.53

It is not clear whether the Coll. of South Kanara advertised and called for applications before coming to the conclusion that no suitable advocate could be secured. He may be asked for clarification of this point and the basis on which he came to the conclusion that suitable and qualified lawyers from the bar could not be secured.

The draft may be approved. Fin may see for acceptance. Para 3 of the draft does not appear quite necessary.

23.7.53

The D.M.S action may be approved.

Home (Spl) No 1400 dt 28-7-53

4/8/53

Finance(E.I.)Deptt.

The draft order may be accepted subject to the following remarks

Having regard to the fact that the appointment of a Sub-Inspector of Police as Assistant Public Prosecutor is against the post sanctioned in G.O.Ms.No.1326 Home dated 22-1-53, the pay and allowances of the Acting Asst.Public Prosecutor should be debited to the head specified in that G.O. viz. '27. Administration of Justice - h. Criminal Courts'. It seems desirable to indicate

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
4-AUG 1953
FINANCE DEPTT.

(F)

this head of debit in para.3 of the draft.

Thro' 13.8.53

11.8.53

11.8.53

ASSISTANT SECRETARY TO GOVERNMENT
A.S.
13 I.S.
HOME DEPARTMENT

Home

Home Dept.

with reference to Fin Dept's note above, para 3 has been added in the draft underbelow

for orders as to issue

63257/E1/53
13-8-53

165516
13/8/53

The draft may issue. After issue, the Collr may be asked as proposed at X on overleaf page.

20/8/53

20/8/53

21/8

p5 cf

Issued as Cir Ms No 2700 Home dd 25/8/53.

with reference to A.S.'s orders above a draft memo is submitted for approval

28.8.53.

1953

pp7-8 cf

Issued as memo no. 14008/8 cf III/53-2 dated 2-9-53.

20/8/53.

(F)

In Cir Ms No 1326 Home dated 22/4/53 the Govt sanctioned the employment in the South Kanara Dt for a period of three months from the date of

appointment of a temporary A.P.P. Grade II and a peon in connection with the conduct of prosecution before the Special First Class Magistrate for the trial of Chit fund cases.

As suitable and qualified lawyers could not be secured for employment as A.P.P. Grade II, the District Magistrate South Kanara in consultation with the D.S.P. appointed one Sri. K.P. ~~Achy~~ Achutayya S.I of Police for conducting prosecution of the case referred to in para 1 above. The action of the D.M. South Kanara was approved. He was also asked to state whether he advertised the post of A.P.P. Grade II calling for applications and if not, the basis on which he came to the conclusion that no suitable advocate could be secured

para 2, p 3-4

final

p 5 c/r

pp 7-8 c/r

The D.M. has reported that Sri. V. Krishnappa Shetty, the seniormost A.P.P. Grade II was posted for the conduct of prosecution of chit fund cases but he applied for leave on medical grounds As no other lawyer could be appointed immediately, the ~~other~~ D.M. has stated that he asked the S.D.M. Mangalore to propose the names of suitable advocates for the appointment as A.P.P. Grade II.

p 9 c/r

Mr. Shetty had already joined duty and was the A.P.P. had to be appointed

para 2, p 9 c/r

and that the S.D.M. proposed two names, of whom one did not put in the required period of active practice in criminal courts and the other wanted permission to continue his private practice in addition to his doing duty as A.B.O.

para 2, p 9 of

It is also reported that there was also a third application from an advocate with only two years of practice and that he was considered to be unsuitable. The Collector has stated that as the vacancy was a short one and as one A.B.O. was due back from leave, advertisement calling for applications was not made and that Sri. Achutharaya

p 11 of

has since been relieved on 7-8-53 when the regular A.B.O. was available. In the circumstances, no further action is called for and this may be closed as Cus at p 5 of.

13/X/53

19.10.53

18/9/53